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April 10, 2024

Via ECF

The Honorable Sidney H. Stein
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Menendez, et al.*, 23 Cr. 490 (SHS)

Dear Judge Stein,

As the Court is aware, we represent Fred Daibes. We write to alert the Court as to our position regarding the different proposed adjournments of the trial date as proposed by Nadine Menendez and the government. On April 9, 2024, Nadine Menendez moved to adjourn the trial *sine die*. Today, the government opposed that request and instead proposed that the Court adjourn the trial, set a control date in June for the parties to convene, but also set a firm trial date for a date in July or August 2024. For a reason not addressed by Nadine Menendez or the government, Mr. Daibes also respectfully requests that the Court adjourn the trial to permit us additional time to prepare for trial.

Mr. Daibes and the undersigned need additional time to prepare for trial. When we entered our appearance in this matter on February 28, 2024, the government's discovery deadline had already passed (December 4, 2023). The volume of discovery materials was and is exceptionally voluminous. As I understand it, the initial massive productions were only meaningfully accessible in the document review platform in approximately mid January 2024. The discovery materials produced prior to our entry in the case amounted to millions of pages of documents, the equivalent of thousands of banker's boxes full of material. While a daunting task, our team was prepared, with the technological assistance of document review software, to do our best to review the produced materials. However, the government's additional discovery productions since our entry into the case and which have almost been made daily in the last two weeks, is hampering our ability to adequately and fairly prepare for trial.

Since we entered our notices of appearance on February 28, 2024, the government has made 10 discovery productions totaling more than 250,000 pages of material, (the equivalent of anywhere between 90 and 120 banker's boxes), the vast majority of which were only produced in the last two weeks and include dozens of documents they intend to introduce in its case in chief. Furthermore, given the frequency of recent disclosures, we fully expect there to be more productions in addition to the significant and voluminous material we expect to receive pursuant to the Jencks Act and *Giglio* (if the current trial date stands). Having to meaningfully review and digest this volume of pages in addition to the millions of others only available a few months ago is nearly impossible.

Accordingly, we respectfully request a reasonable adjournment of the trial in order to adequately prepare our defense.

Respectfully submitted,

/s/

César de Castro

cc: All Counsel (*via* ECF)